

**DECISION OF THE SOUTH AFRICAN INSTITUTE FOR DRUG-FREE
SPORT ANTI DOPING DISCIPLINARY COMMITTEE**

In the matter of

ANDREW PRETORIUS

1. This committee was appointed by the South African Institute for Drug-Free Sport (SAIDS). SAIDS is a statutory body created by section 2 of South African Institute for Drug-Free Sport Act 14 of 1997, as amended. In 2005 SAIDS accepted the World Anti-doping code. The Anti-doping Rules 2009 published by SAIDS are applicable to the present proceedings ("**the Rules**").

2. The SAIDS Anti-doping Disciplinary Committee ("**the Committee**") has been appointed in terms of Article 8.1 of the Rules. The committee consists of Adv Nicolas Kock, Dr Deon –Jacques Pieterse and Beverley Peters.

3. The charge against the amateur power-lifter and coach, Mr Andrew Pretorius ("**Pretorius**") is contained in a letter dated 28th February 2011 addressed to the athlete. The relevant portion of the letter relating to the charge reads as follows:

"Further to the hearing of Ms Stephanie Pretorius that was held on 22 February 2011, you have been charged with an anti-doping rule violation in terms of Article 2.7 and 2.8 of the 2009 Anti-Doping Rules of the South African Institute for Drug-Free Sport (SAIDS).

In your submission provided as possible mitigating factor in the matter of the adverse analytical finding of Ms. Stephanie Pretorius, you admitted providing her with Furosemide and Hydrochlorothiazide on order to "stabilise her weight". Upon analysis of the sample collected from Ms Stephanie Pretorius during and out-of-competition test on the 21 October 2010, the South African Doping Control Laboratory at the University of Free State reported the presence of these prohibited substances in her sample.

The substances identified were Hydrochlorothiazide and Furosemide which are classified as Diuretics and falls under **Class S5, "Diuretics and other Masking**

Agents” on the World Anti-Doping Code 2010 Prohibited List International Standard.”

4. The pro-forma prosecutor for SAIDS was Mr Fahmy Galant (“Galant”). Mr Andrew Pretorius (“Pretorius”) was accompanied by the South African Power-lifting Federation’s representative, Mr. Andre Ludick, who acted as an observer.
5. In order to secure a guilty verdict from the Committee, Galant needs to discharge the burden of proof as contemplated in Article 3.1 of the Rules. It states the following:

“3.1 Burdens and Standards of Proof

SAIDS has the burden of establishing that an anti-doping rule violation has occurred. The standard of proof shall be whether SAIDS has established an anti doping rule violation to the comfortable satisfaction of the hearing panel bearing in mind the seriousness of the allegation that is made. The standard of proof in all cases is greater than a mere balance of probability but less than proof beyond a reasonable doubt.”

6. The first charge that we need to deal with is the possible contravention of Article 2.7 of the Rules of 2009 relate to the “*Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.*” The Rules does not provide any further explanation with regards to what will constitute trafficking or attempted trafficking of prohibited substances and prohibited methods.
7. The International Convention against Doping in Sport formalises the responsibilities of governments in the fight against the trafficking of doping substances. In ratifying the Convention, public authorities committed themselves to the fight against trafficking of doping substances, and to this end, take “measures to control production, movement, importation, distribution and sale.”

8. Generally, when one deals with trafficking related offences the concepts of 'sale and distribution' are two of the crucial elements to be present to constitute an offence of trafficking, as identified in the last the last line of in paragraph 7 above.
9. The sale of substances infers the exchange of a commodity for money. In this case receiving money in return for the specified substances i.e. Furosemide and Hydrochlorothiazide.
10. The distribution of substances refers to the action of sharing something out among a number of recipients. In this case sharing the specified substances i.e. Furosemide and Hydrochlorothiazide among more than one person.
11. Pretorius's testimony in his written submission should be seen in the context of paragraph 9 and 10 above. An important portion of Pretorius's written submission (see Annexure A) is as follows:

"I noticed that Stephanie was +/- 1 kg over weight for her division. I decided to give her one water tablet per day for four days to stabilize her weight. I used Furosemide (white) as well as Hydrochlorothiazide (pink), for no specific reason. Both tablets does the same job"
12. Pretorius's testimony during the hearing was consistent with his written submission at the hearing of his daughter Stephanie Pretorius as well as his daughter's oral testimony.
13. No evidence was led that Pretorius gave any person other than his daughter the diuretics nor was there any evidence led that Pretorius asked for money in exchange for the diuretics. Consequently, Pretorius is found not guilty of contravening Article 2.7 Article 2.7 of the Rules of 2009 relating to the "*Trafficking or Attempted Trafficking in any Prohibited Substance or Prohibited Method.*"

14. The second charge that we need to deal with is possible contravention of Article 2.8 of the charge i.t.o. of the Rules of 2009 states the following:

“Administration or Attempted administration to any Athlete

In-Competition of any Prohibited Method or Prohibited Substance, or administration or Attempted administration to any Athlete Out-of-Competition of any Prohibited Method or any Prohibited Substance that is prohibited in Out-of-Competition Testing, or assisting, encouraging, aiding, abetting, covering up or any other type of complicity involving an anti-doping rule violation or any Attempted anti-doping rule violation.

[Comment to Article 2: The Code does not make it an anti-doping rule violation for an Athlete or other Person to work or associate with Athlete Support Personnel who are serving a period of Ineligibility However, SAIDS may adopt its own specific policy which prohibits such conduct.]”

15. The concept of administration in the abovementioned context in paragraph 14 means 'to cause someone to receive something'. In casu Pretorius caused an athlete to receive a diuretic based on his own written submission as set out in paragraph 11.
16. The substances Hydrochlorothiazide and Furosemide are classified as diuretics and fall under the Class S5, “Diuretics and other Making Agents” on the World Anti-Doping Code 2010 Prohibited List International Standard.
17. It is necessary to set out herein Article 4.2.2 of the Rules which read as follows:

“4.2.2 Specified Substances

‘For purposes of the application of Article 10 (Sanctions on Individuals), all *Prohibited Substances* shall be “Specified Substances” except (a) substances in the classes of anabolic agents and hormones; and (b) those stimulants and hormone antagonists and modulators so identified on the *Prohibited List*. *Prohibited Methods* shall not be Specified Substances.’”

18. The annual WADA *List of Prohibited Substances and Methods* specify in its introduction that Specified Substances are excluded from Substances in classes S1, S2, S.4.4 and S6.a, and *Prohibited Methods* M1, M2 and M3. These categories are merely referred to as Prohibited Substances. Therefore, Hydrochlorothiazide and

Furosemide a classified Class S5, "Diuretics and other Making Agents" on the World Anti-Doping Code 2010 Prohibited List International Standard falls outside aforementioned ambit and are therefore Specified Substances.

19. Accordingly, Pretorius is found guilty of contravening Article 2.8 of the Rules after admitting to the out of competition administration of a specified substance i.e. a diuretic to a minor.
20. The remaining question is the nature of the sanction which should be imposed in respect of the violation of Article 2.8 of the Rules.
21. In determining the appropriate sanctioning Article 10.3 of the Rules that is headed "**Ineligibility for Other Anti-Doping Rule Violations**" is important. Subsection 10.3.2 of the Rules of 2009 reads as follows:

"For violations of Article Code 2.7 (Trafficking), Code Article 2.8 (Administration of Prohibited Substance or Prohibited Method) the period of Ineligibility imposed shall be a minimum of four (4) years up to lifetime Ineligibility unless the conditions provided in Article 10.5 are met. An anti-doping rule violation involving a Minor shall be considered a particularly serious violation, and, if committed by *Athlete Support Personnel* for violations other than Specified Substances referenced in Article 4.2.2, shall result in lifetime *Ineligibility* for such *Athlete Support Personnel*. In addition, significant violations of such Articles that also violate non-sporting laws and regulations, shall be reported to the competent administrative, professional or judicial authorities.

Comment to Article 10.3.2: Those who are involved in doping Athletes or covering up doping should be subject to sanctions which are more severe than the Athletes who test positive. Since the authority of sport organizations is generally limited to Ineligibility for credentials, membership and other sport benefits, reporting Athlete Support Personnel to competent authorities is an important step in the deterrence of doping.]

22. Pretorius submitted a written statement (see Annexure A) setting out the manner in

which the specified substances entered his daughter's system as well as his role in the matter. The statement reads as follows:

"... My name is Andrew Pretorius and I am the father as well as personal trainer of Stephanie Pretorius.

I have been training my three daughter and various other weight trainers for many years I also still competes in bench press competitions. I provide my children with subliments for protein, vitamins, iron tablets etc., when I feel they are in need of it.

I notice that Stephanie was +/- 1kg over weight for her devision. I decided to give her one water tablet per day for four days to stabilize her weight. I used furosemide (white) as well as hydrochlorohiazide (pink), for no specific reason. Both tablets does the same job.

Stephanie took this with other subliments without any questions, because she know and trust me.

In fact, I am well known as an anti-steroid man in Eastern Cape power lifting. I complain a lot to management about people in the province using steroids and getting away with it.

Stephanie was completely shocked when she received the doping report from you. She is completely innocent in the outcome of the results. I know I made a mistake and take full responsibility for my acts.

It would be so cruel and unfair to suspend an innocent girl, seeing that there are big sporting events lying ahead next year.

I regret giving watertablets for Stephanie or any other athlete in the past.

I trust your honest consideration in this matter..."

23. Article 10.3.2 makes reference to Article 10.5 that deals with the '**Elimination or Reduction of Period of *Ineligibility* Based on Exceptional Circumstances**'. In this instance Pretorius, unbeknown to his daughter whom he trained, wilfully administered diuretics to her under a false pretext. Hence no relief can be sought by Pretorius under Article 10.5 of the Rules.
24. Pretorius administered the diuretic to his a daughter Stephanie Pretorius (see SAIDS v Stephanie Pretorius) who was a minor at seventeen years of age when

the anti-doping rule violation occurred. In the process he abused his position of authority as father to coerce his daughter into taking specified substances.

25. As concluded in paragraph 18 the substances Hydrochlorothiazide and Furosemide are classified as Class S5, "Diuretics and other Making Agents" on the World Anti-Doping Code 2010 Prohibited List International Standard falls outside aforementioned ambit and are therefore Specified Substances.
26. Hydrochlorothiazide and Furosemide are classified as Schedule 4 substances in terms of the Medicines and Related Substances Control Act 101 of 1965 (as amended in '68, '71 '74, '76, '77, '79. '81, '86, '91, '97 and 2002).
27. The supply of Schedule 4 substances i.e. Hydrochlorothiazide and Furosemide without the required permit by Pretorius to another person may fall foul of the Medicines and Related Substances Control Act 101 of 1965 (as amended in '68, '71 '74, '76, '77, '79. '81, '86, '91, '97 and 2002). This answer to this question should be pursued by the appropriate authority.
28. Dr Deon-Jacques Pieterse made a written submission (see Annexure B) in which he states that upon reflection of the testimony of Pretorius and his daughter he arrived at the following conclusion:

"My conclusion is that it would be highly unlikely for traces of either these drugs to be present in the urine of a subject 6 days after the ingestion of a single tablet of either drug. Thus I find it hard to believe the evidence regarding the period of 6 days after use of the drugs as given by both the athlete and her coach. I therefore suggest that in the case of the coach his evidence in this regard should be regarded as highly suspicious and therefore can be regarded as aggravating circumstances when deciding on the relevant sentence."
29. In summary:

Stephanie Pretorius, a seventeen year old minor and daughter of Andrew Pretorius, tested positive for the Diuretics, Hydrochlorothiazide and Furosemide. Andrew Pretorius, provided a statement admitting that he administered water tablets to his daughter. The tablets formed part of his personal prescription for these substances.

Pretorius led his daughter to believe that he is providing her with vitamin supplements for training. In doing so he abused his position of authority as a parent. Finally, it is the considered opinion of Dr Deon-Jacques Pieterse that the evidence provided by the Pretorius and his daughter regarding the timing of ingestion of the water tablets before the out-of-competition test is flawed.

30. Accordingly the Committee is satisfied that the evidence led has successfully established a contravention of Article 2.8 of the Rules of 2009.
31. In the result, the following is the decision and recommendations of the Committee:
 - a. Andrew Pretorius is found guilty of an infringement of Article 2.8 of the 2009 Anti Doping Rules of the South African Institute for Drug-Free-Sport.
 - b. The Committee feels that under these conditions a sanction of 6 years would be appropriate to be calculated from the date of the hearing on Thursday 17th March 2011.
 - c. Therefore, the period of ineligibility to start from Thursday 17th March 2011 and end on Friday 18th March 2017.
 - d. The question of the possible contravention by Pretorius of the Medicines

and Related Substances Control Act 101 of 1965 (as amended in '68, '71 '74, '76, '77, '79, '81, '86, '91, '97 and 2002) by supplying his daughter with a Schedule 4 substance needs to be answered by the relevant authorities. They then need to decide on a course of action in terms of the further prosecution of Pretorius in this regard.

Adv NG Kock
Chairperson

Ms Beverley Peters
Committee Member

Dr Deon-Jacques Pieterse
Committee Member

29th September 2011

(1/1)

A.M. PRETORIUS
I.D 590823 5119 087
9 WERNICH STREET
DESPATUN
6220

ATT: MR. F. GALANT

REFER SAMPLE NR. 25 30771 - STEPHANIE PRETORIUS

MY NAME IS ANDREW PRETORIUS AND I AM THE FATHER AS WELL AS PERSONAL TRAINER OF STEPHANIE PRETORIUS.

I HAVE BEEN TRAINING MY THREE DAUGHTER AND VARIOUS OTHER WEIGHT TRAINERS FOR MANY YEARS I ALSO STILL COMPETES IN BENCH PRESS COMPETITIONS.

I PROVIDE MY CHILDREN WITH SUPPLEMENTS FOR PROTEIN, MULTIVITAMINES, IRON TABLETS ETC., WHEN I FEEL THEY ARE IN NEED OF IT.

I NOTICED THAT STEPHANIE WAS \pm 1kg OVER WEIGHT FOR HER DIVISION. I DECIDED TO GIVE HER ONE WATER TABLET PER DAY FOR FOUR DAYS TO STABILIZE HER WEIGHT. I USED FUROSEMIDE (WHITE) AS WELL AS HYDROCHLOROTHIAZIDE (PINK), FOR NO SPECIFIC REASON. BOTH TABLETS DOES THE SAME JOB.

STEPHANIE TOOK THIS WITH OTHER SUPPLEMENTS WITHOUT ANY QUESTIONS, BECAUSE SHE KNOWS AND TRUSTS ME.

IN FACT, I AM WELL KNOWN AS AN ANTI-STEROID MAN IN EASTERN CAPR POWERLIFTING. I COMPLAIN A LOT TO MANAGEMENT ABOUT PEOPLE IN THE PROVINCE USING STEROIDS AND GETTING AWAY WITH IT.

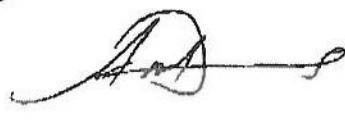
STEPHANIE WAS COMPLETELY SHOCKED WHEN SHE RECEIVED THE DOPING REPORT FROM YOU. SHE IS COMPLETELY INNOCENT IN THE OUTCOME OF THE RESULTS. I KNOW I MADE A MISTAKE AND TAKE FULL RESPONSIBILITY FOR MY ACTS.

IT WOULD BE SO CRUEL AND UNFAIR TO SUSPEND AN INNOCENT GIRL, SEEING THAT THERE ARE BIG SPORTING EVENTS LYING AHEAD NEXT YEAR.

I REGRET GIVING WATER TABLETS FOR STEPHANIE ON ANY OTHER ATHLETE IN THE PAST.

I TRUST YOUR HONEST CONSIDERATION IN THIS MATTER

YOUR SINCERELY

 (ANDREW N. PRETORIUS)



DR D J PIETERSE ING/INC

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18 May 2011

Mr N Kock

nicolaskock@gmail.com

Dear Sir

Re: Medical information: Tribunal 17 March 2011: Mr Andrew Pretorius

After doing extensive research regarding the time period that hydrochlorothiazide (normal dose: 12,5-25mg) and furosemide (normal dose: 20-80mg) could be detectible in urine after oral ingestion I came to the following conclusion:

There seems to be very few studies regarding the maximum period after ingestion of a single tablet of either drug after which it can still be detected in the urine.

Hydrochlorothiazide:

1. The onset of action occurs after 2 hours and reaches a peak effect after 4 hours. Activity lasts for approximately 6 to 12 hours.
2. The plasma half-life is 5,6-14,8 hours. It is not metabolized and is secreted rapidly by the kidneys.
3. At least 61% of the oral dose is eliminated unchanged within 24 hours.
4. In one study, using 6 healthy volunteers, traces of hydrochlorothiazide could be detected in the urine after 120 hours (5 days) after ingestion of 25mg thereof.

Furosemide:

1. Peak concentration level is reached after 50 minutes.
2. 60% to 90% is excreted by the kidneys at a rate of 2ml/minute/kg.
3. 58,8% is excreted in the urine after 24 hours.
4. 7% to 9% is excreted in the faeces and 6% to 9% in the bile.
5. The elimination half-life is 30 to 120 minutes.

I also contacted the laboratory which did the tests in Bloemfontein and was informed that they do not do quantitative tests, but that for the test to be positive there should be significant amounts of the drugs present in the urine.

My conclusion is that it would be highly unlikely for traces of either these drugs to be present in the urine of a subject 6 days after the ingestion of a single tablet of either drug. Thus I find it hard to believe the evidence regarding the period of 6 days after use of the drugs as given by both the athlete and her coach. I therefore suggest that in the case of the coach his evidence in this regard should be regarded as highly suspicious and therefore can be regarded as aggravating circumstances when deciding on the relevant sentence.

I hope that this information is sufficient for your purposes.

Regards

Dr D J Pieterse